IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

WP(C).No. 7967 of 2007(W)

PETITIONER:

SUNIL KUMAR K., (OVERSEER),
ELECTRICITY DEPARTMENT, THRISSUR CORPORATION,
THRISSUR.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:

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1. THE SECRETARY,
THRISSUR CORPORATION, THRISSUR.

2. THE DIRECTOR,
DIRECTORATE OF URBAN AFFAIRS,
THIRUVANANTHAPURAM.

3. THE SR. SUPERINTENDENT,
ELECTRICITY DEPARTMENT, THRISSUR CORPORATION,
THRISSUR.

R1 & 3 BY S.C. ADV. SRI.K.B.MOHANDAS
SRI.LELLULAL T.G.THUNDATHIL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

W.P.(C)No.7967 of 2007

Dated this the 23rd day of March, 2007

JUDGMENT

Petitioner is an employee of the Thrissur Municipal Corporation. In July 2003 while the petitioner was working as Lineman Gr.I, he was placed under suspension. The allegation against the petitioner appeared to be that he had misused the electric meter supplied by the Corporation for installation at the premises of a consumer.

2. It is not in dispute that the petitioner was reinstated in service thereafter. But the grievance of the petitioner is that the disciplinary proceedings which have been initiated against him are not being completed though about four years have elapsed. Because of the pendency of the above proceedings his promotion, increments etc. have been affected. It is true that petitioner was later promoted as Overseer in 2006. He was granted the benefit of higher scale and re-fixation of pay also at the intervention of this court in Ext.P1 judgment. But still the increments which the petitioner is entitled to get are being denied.

3. It is in the above circumstances that the petitioner has preferred this writ petition praying for issuance of a writ of mandamus or such other appropriate writ or direction to the respondent to complete the disciplinary proceedings initiated against him forthwith and to regularise his service.

4. In the counter affidavit filed by the 1st respondent it is averred that the yearly increment and monetary benefits of promotion based on increment can be

given to the petitioner only after finalisation of the disciplinary proceedings. It is further averred that the Regional Joint Director of Urban Affairs had conducted an enquiry and submitted his report before the Director of Urban Affairs. The matter is pending consideration before the 2nd respondent.

5. Having heard learned counsel for the parties and having perused the materials on record I am satisfied that this writ petition can be disposed of with appropriate directions.

6. In the above facts and circumstances this writ petition is disposed of with a direction to the 2nd respondent to complete the disciplinary proceedings pending against the petitioner as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard in the matter. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before respondent No.2 for compliance.

A.K.BASHEER.
JUDGE

mt/-